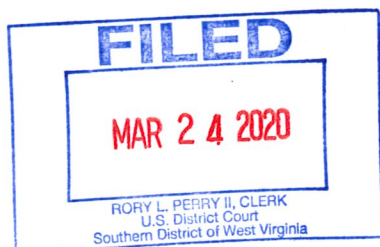


BAILEY GLASSER LLP



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sruby@baileyglasser.com

March 23, 2020

Via Hand Delivery

Rory L. Perry II, Clerk
United States District Court
Southern District WV
Robert C. Byrd United States Courthouse
300 Virginia Street, East, Suite 3400
Charleston, WV 25301

Re: *The City of Huntington v. AmerisourceBergen Drug Corporation, et al. and Cabell County Commission v. AmerisourceBergen Drug Corporation, et al.*
Civil Action Nos. 3:17-cv-01362 and 3:17-cv-01665 (consolidated)
(USDC Southern District of West Virginia at Charleston)

Dear Clerk Perry:

Enclosed please find for filing a DVD containing video/audio exhibits identified as Exhibits 23, 24, 34 and 35 respectively in connection with **"Defendants' Motion for Summary Judgment Re Statute of Limitations"** which was filed on March 20, 2020, through the Court's CM/ECF system. Please mark the DVD as filed and place it in the appropriate court file.

Thank you for your assistance. If you have any questions, please do not hesitate to give me a call.

Sincerely,

Steven R. Ruby

SRR/paw
Enclosure

cc: USDC Clerk's Office, Bluefield Division (via Federal Express) ✓
Counsel (w/enclosures)



**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

Civil Action No. 3:17-01362

Hon. David A. Faber

CABELL COUNTY COMMISSION,
Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

Civil Action No. 3:17-01665

Hon David A. Faber

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT:
STATUTE OF LIMITATIONS**

Defendants AmerisourceBergen Drug Corporation, McKesson Corporation, and Cardinal Health, Inc., by counsel, move pursuant to Federal Rule of Civil Procedure 56(a) for summary judgment on the nuisance claims alleged by Plaintiffs The City of Huntington and Cabell County Commission. The evidence before the Court discloses that there is no genuine dispute as to any material fact bearing on this motion, in that Plaintiffs' claims accrued more than one year prior to the filing of their respective actions. Because neither the continuing tort doctrine nor the fraudulent concealment doctrine may be applied to render timely Plaintiffs' dilatory filings, Defendants are entitled to judgment as a matter of law.

WHEREFORE, Defendants respectfully request that the Court: (i) grant this motion; (2) issue a conforming Order directing the entry of summary judgment to Defendants on all of Plaintiffs' claims; and (3) accord Defendants such other and further relief as may be deemed just.

EXHIBIT 23

Audio Transcription
Boone County Commission Regular Session
08/21/2012

Submitted on DVD

EXHIBIT 24

**Audio Transcription - Clip
Boone County Commission Regular Session
08/21/2012**

Submitted on DVD

EXHIBIT 34

**Video Kanawha County Commission
Regular Session
02/07/2013**

Submitted on DVD

EXHIBIT 35

Video Clip Kanawha County Commission
Regular Session
02/07/2013

Submitted on DVD

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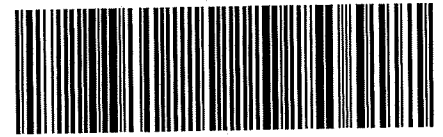
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